

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN LEE FOSTER,

Plaintiff,

v.

STEVE WHITE,

Defendant.

Case No. 2:21-cv-00388-JDP (PC)

ORDER DIRECTING PLAINTIFF TO FILE  
AN APPLICATION TO PROCEED IN  
FORMA PAUPERIS OR PAY THE FILING  
FEE

Plaintiff, a county inmate proceeding without counsel, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not, however, filed an *in forma pauperis* affidavit or paid the required filing fee of \$350.00 plus the \$52.00 administrative fee.<sup>1</sup> See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff will be provided the opportunity either to submit the appropriate affidavit in support of a request to proceed *in forma pauperis* or to submit the required fees totaling \$402.00.

The revised *in forma pauperis* application form includes a section that must be completed by a prison official, which must be accompanied by a certified copy of the prisoner's inmate trust account statement for the six-month period immediately preceding the filing of this action.

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<sup>1</sup> If leave to file *in forma pauperis* is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments. Litigants proceeding in forma pauperis are not required to pay the \$52.00 administrative fee.

1 In accordance with the above, it is hereby ORDERED that:

2 1. Plaintiff shall submit, within thirty days from the date of this order, an application to  
3 proceed *in forma pauperis* on the form provided by the Clerk of Court, or the required fees in the  
4 amount of \$402.00. Plaintiff's failure to comply with this order will result in a recommendation  
5 that this action be dismissed.

6 2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In  
7 Forma Pauperis By a Prisoner.

8 IT IS SO ORDERED.

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10 Dated: April 6, 2021

  
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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE